

SYRIA

a. SUMMARY OF CLAIMS

TYPE	DATE	SOURCE	LIMITS	NOTES
I. TERRITORIAL SEA	Dec 63	Legislative Decree No. 304	12nm	Foreign warships must obtain permission prior to transiting territorial sea. This requirement is not recognized by the U.S.
	Aug 81	Law 37	35nm	This claim is not recognized by the U.S. U.S. protested claim in 1981 and 1989 and conducted operational assertions in 1981, 1984, 1985, 1987 and 1991.
II. ARCHIPELAGIC, STRAIGHT BASELINES, & HISTORIC CLAIMS	Dec 63	Legislative Decree No. 304		Authorized straight baselines in specified circumstances; see LIS No. 53.
III. CONTIGUOUS ZONE	Dec 63	Legislative Decree No. 304	41nm	Claims security jurisdiction. This claim is not recognized by the U.S. U.S. protested claim in 1989 and conducted operational assertions in 1981, 1984, 1985 and 1987
IV. CONTINENTAL SHELF	Dec 63	Legislative Decree No. 304	1958 DEF	
VIII. LOS CONVENTION	Apr 82			Voted for; did not sign.

b. DOMESTIC LEGISLATION AND REGULATIONS

1. STRAIGHT BASELINES

A. LEGISLATION. The following are extracts from Decree No. 304 of 28 December 1963:

CHAPTER THREE : DETERMINATION OF THE BASE LINE FOR THE MEASUREMENT OF THE TERRITORIAL SEA.

ARTICLE FIVE : The determination of the base line for the measurement of the Territorial Sea in the Syrian Arab Republic shall be made according to the following :-

- A) If the sea coast or the coast of the island is open in its totality to the sea :- Starting from the lowest tide at ebb.
- B) In case of the presence of a bay facing the sea :- Lines to be drawn at one point of the land from the entry of the bay to the other part.
- C) In case of the presence of a shoal not farther than twelve nautical miles from the land; Lines to be drawn from the land all along the external edge of the shoal.
- D) In case of the presence of a harbour or a port facing the sea :- Lines to be drawn on all the sides facing the sea from the most prominent installations, and lines to be drawn also between the limits of these installations.
- E) In case of the presence of an island not farther than twelve nautical miles from the sea :- Lines to be drawn from the land all along the external shores of the island.
- F) In case of the presence of a group of islands that can be connected with each other by lines not exceeding 12 nautical miles each, and the farthest island is not more than 12 nautical miles away :- Lines to be drawn from the islands if they are in the form of a range or lines to be drawn on the prominent shores of the islands if they do not form a range.
- G) In case of the presence of a group of islands that can be connected with each other by lines not exceeding 12 nautical miles each, and the nearest island is not more than 12 nautical miles away from the sea shore :- Lines to be drawn all along the external shores of the islands if they form a range or along the external shores of the more prominent islands if they are not in the form of a range.

- H) In every circumstance requiring a special system for measurement due to the depth of the seashore or the presence of islands along this shore: The line of measurement will be independent from the line of the island waters circumscribed and in these cases the system of straight convergent lines at suitable points and these lines are drawn in a way not to depart from the general direction of the seashore.

ARTICLE SIX : In case the measurement of the territorial sea according to the provisions of this legislative decree leaves behind a region of high seas surrounded by the territorial sea from all sides and cannot be extended in any direction for a distance of 12 nautical miles: this region is considered as part of the territorial sea as well as any pocket that becomes prominent from the high seas and should be surrounded by a drawing of one straight line not exceeding 12 nautical miles in length.

ARTICLE SEVEN : In case the waters of a State overlap the internal waters or the territorial sea of the Syrian Arab Republic then the boundary should be fixed in agreement with that State in accordance with the principles applied in international law.

ANALYSIS. The following comments regarding the Syrian straight baseline system are extracted from Limits in the Seas, No. 53, "Straight Baselines: Syria," 10 October 1973:

The Syrian law contains nearly the identical definitional problems of the cited Saudi Arabian and Egyptian law. While a "bay" is defined according to the semi-circle requirement of the Geneva Convention on the Territorial Sea and the Contiguous Zone, no maximum limits for the closure are incorporated in the legislation. Syria, however, is not a party to the Convention.

The Syrian law permits the enclosure within the internal waters of the state of "shoals," defined as "...shallow water, part of which remains uncovered with water at the lowest level reached by the low tide." The Convention, however, prohibits the drawing of straight baselines to low-tide elevations unless they have a permanent structure constructed on them. While the law's definition implies that part of the "shoal" may be a low-tide elevation, the requirement is not clear. Nevertheless, the baseline system may be drawn about the seaward (submarine) edge of the "shoal." The limit, unfortunately, is not specifically delimited, i.e., a fathom or metric depth of a certain value could have been designated. It is noted that neither the Convention nor customary state practice sanctions the use of submerged features as limits for straight baseline systems.

Article 4 delimits the territorial sea as extending 12 nautical miles from the baseline (low-water and straight baselines) "as shown on the large scale map; and approved by the Syrian Arab Republic." If this map has been published, it is not available to this Office. The precise locations of the straight baseline segments cannot, as a result, be determined. However, the Syrian coastline is neither deeply indented nor fringed with many islands. As a consequence, it is possible to establish the general areas in which the system could be developed. The areas have been indicated on the attached chart by Nos. 1 through 5. The interpretation of shoals, however, complicates the general question of the potential location of lines.

In the region of No. 1 on the attached chart, three small islands are situated on a shoal area. Northward, continuing along the same axis, there are two additional islets (also on a shoal) and a third isolated island. These islands are all within 12 nautical miles of each other and could, by definition, be enclosed within the system. The specific turning points could be on the islands or on the shoals to the west thereof.

Two small areas of shoal water extend northward to No. 2 Jazirat Arwad. This island lies within 12 nautical miles of the shoals and the islands to the south. The system would logically incorporate Arwad with the southern islands. Northward, a string of shoal water area extends to three small islets, situated offshore from Ra's al Hasan. The distances among the islands and Arwad measure less than 12 nautical miles. The question of the turning points is open, again as a consequence of the presence of "shoal" waters in the intervening areas.

Shoal waters extend from the coastline northward near al Marqab, Ra's Baldat al Malik, and Jablah. It is not possible to ascertain if these areas, which are within 12 nautical miles of each other, have been utilized as basepoints; the official baseline charts would be required. The extension of the baseline, however, would have a very limited effect on the territorial sea. Additional shoal areas extend along the peninsula of Ra's ibn Hani' and at point No. 4 on the attached chart. Finally, at point No. 5, a small island (Pigeon) lies immediately offshore and would mark the final straight baseline segment of the Syrian system.

SUMMARY

The straight baseline system cannot be constructed with authority from the legislation. The official Syrian charts are required. However, the coastal features of Syria are limited in extent and in geographical distribution. The total effect of the system, as a result, would be relatively limited on the extension of the territorial sea. The law, however, does provide for the use of shoals, normally a submerged feature, and the incorporation of areas of high seas less than 12 miles in extent. In contrast to the Saudi Arabian example, the latter would have no effect in the case of Syria.